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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,897	03/15/2004	Jean-Louis Dasseux	9196-032-999	4097
28880 7	590 04/10/2006		EXAMINER	
WARNER-LAMBERT COMPANY			RUSSEL, JEFFREY E	
2800 PLYMOUTH RD ANN ARBOR, MI 48105			ART UNIT	PAPER NUMBER
,	,		1654	
			DATE MAILED: 04/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		. 10/801,897	DASSEUX ET AL.
		Examiner	Art Unit
		Jeffrey E. Russel	1654
Period f	The MAILING DATE of this communication aporter in the communication aporter in the communication approximately	ppears on the cover sheet w	th the correspondence address
A SH WHIII - Exte after - If NO - Faili Any	HORTENED STATUTORY PERIOD FOR REPLICATION OF THE MAILING DEPOSITION OF	DATE OF THIS COMMUNION 136(a). In no event, however, may a red will apply and will expire SIX (6) MON to, cause the application to become AB	CATION.  eply be timely filed  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).
Status			
1)⊠ 2a)⊠ 3)□	Responsive to communication(s) filed on <u>03 F</u> This action is <b>FINAL</b> . 2b) This Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matt	ers, prosecution as to the merits is
Disposit	tion of Claims	•	
5)⊠ 6)⊠ 7)□ 8)□	Claim(s) is/are objected to.	awn from consideration.	
· ·	•		
10)⊠	The specification is objected to by the Examine The drawing(s) filed on <u>15 March 2004</u> is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examine The specification is objected.	a)⊠ accepted or b)⊡ obj e drawing(s) be held in abeyar ction is required if the drawing	ce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).
Priority (	under 35 U.S.C. § 119		
12)□ a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea See the attached detailed Office action for a list	nts have been received. Its have been received in A Drity documents have been But (PCT Rule 17.2(a)).	pplication No received in this National Stage
2) 🔲 Notic 3) 🔲 Infor	et(s)  ce of References Cited (PTO-892)  ce of Draftsperson's Patent Drawing Review (PTO-948)  mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  or No(s)/Mail Date	Paper No(s ) 5) D Notice of Ir	ummary (PTO-413) )/Mail Date formal Patent Application (PTO-152) <i>Continuation Sheet</i> .

Continuation of Attachment(s) 6). Other: Raw Sequence Listing Error Report.

Application/Control Number: 10/801,897

Art Unit: 1654

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reasons:

The sequence listing filed February 3, 2006 was not approved for the reasons set forth in the attached Raw Sequence Listing Error Report.

Applicant must provide a substitute computer readable form (CRF) copy of the Sequence Listing, a substitute paper copy of the Sequence Listing as well as an amendment directing its entry into the specification, and a statement that the content of the paper and computer readable copies are the same and include no new matter as required by 37 CFR 1.825(a) and (b).

- 2. Claims 74 and 75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 74 and 75 depend, in part, on canceled claim 59.
- 3. The terminal disclaimers filed February 3, 2006 have been approved.
- 4. Claims 53-58, 60-73, and 76-83 are allowed. Claims 74 and 75 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
- 5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Application/Control Number: 10/801,897 Page 3

Art Unit: 1654

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Primary Patent Examiner
Art Unit 1654

JRussel April 6, 2006

### STIC Biotechnology Systems Branch

### RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

Source:

Date Processed by STIC:

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 4.4.0 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
   U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
   Alexandria, VA 22314

Revised 01/10/06



IFW16

RAW SEQUENCE LISTING DATE: 02/08/2006 PATENT APPLICATION: US/10/801,897A TIME: 12:38:59 Input Set : B:\PC 20701C.txt Output Set: N:\CRF4\02082006\J801897A.raw 3 <110> APPLICANT: Dasseux, Jean Louis Sekul, Renate 5 Buttner, Klaus Cornut, Isabelle Metz, Gunther 9 <120> TITLE OF INVENTION: Apolipoprotein A-I agonists and their use to treat dyslipidemic 10 disorders 12 <130> FILE REFERENCE: 9169-032-999 14 <140> CURRENT APPLICATION NUMBER: 10/801,897A 15 <141> CURRENT FILING DATE: 2004-03-15 17 <150> PRIOR APPLICATION NUMBER: US 09/865,989 Dees Not Camply 18 <151> PRIOR FILING DATE: 2001-05-25 Corrected Diskatta Neaded 20 <150> PRIOR APPLICATION NUMBER: US 09/465,719 21 <151> PRIOR FILING DATE: 1999-12-17 23 <150> PRIOR APPLICATION NUMBER: US 08/940,093 24 <151> PRIOR FILING DATE: 1997-09-29 26 <160> NUMBER OF SEQ ID NOS: 258 28 <170> SOFTWARE: PatentIn version 3.3 30 <210> SEQ ID NO: 1 31 <211> LENGTH: 22 32 <212> TYPE: PRT 33 <213> ORGANISM: Artificiat 35 <220> FEATURE: 36 <223> OTHER INFORMATION: None 39 <220> FEATURE: 40 <221> NAME/KEY: MISC FEATURE 41 <222> LOCATION: (16)..(16) 42 <223> OTHER INFORMATION: Xaa = Naphthylalanine 44 <400> SEQUENCE: 1 Oly Rama Sour W--> 46 Pro Val Leu Asp Leu Phe Arg Glu Leu Leu Asn Glu Leu Leu Glu Xaa 50 Leu Lys Gln Lys Leu Lys 51 20 54 <210> SEQ ID NO: 2 55 <211> LENGTH: 23 56 <212> TYPE: PRT 57 <213> ORGANISM: Artificial 59 <220> FEATURE: 60 <223> OTHER INFORMATION: None 62 <400> SEQUENCE: 2 64 Gly Val Leu Asp Leu Phe Arg Glu Leu Leu Asn Glu Leu Leu Glu Ala

10

68 Leu Lys Gln Lys Leu Lys Lys

file://C:\CRF4\OUTHOLD\VsrJ801897A.htm

15

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RAW SEQUENCE LISTING
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                     PATENT APPLICATION: US/10/801,897A
                                                              TIME: 12:38:59
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# 11 on

error

summary

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15 some

RAW SEQUENCE LISTING DATE: 02/08/2006
PATENT APPLICATION: US/10/801,897A TIME: 12:38:59

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Output Set: N:\CRF4\02082006\J801897A.raw

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DATE: 02/08/2006

PATENT APPLICATION: US/10/801,897A TIME: 12:38:59 Input Set : E:\PC 20701C.txt VSAME Output Set: N:\CRF4\02082006\J801897A.raw 10 227 1 W--> 230 Xaa Lys Gln Lys Leu Lys 231 20 234 <210> SEQ ID NO: 11 235 <211> LENGTH: 22 236 <212> TYPE: PRT 237 <213> ORGANISM: Artificial 239 <220> FEATURE: 240 <223> OTHER INFORMATION: 242 <400> SEQUENCE: 11 244 Pro Val Leu Asp Leu Phe Lys Glu Leu Leu Gln Glu Leu Leu Glu Ala 245 1 248 Leu Lys Gln Lys Leu Lys 249 20 252 <210> SEQ ID NO: 12 253 <211> LENGTH: 22 254 <212> TYPE: PRT 255 <213> ORGANISM: Artificial 257 <220> FEATURE: 258 <223> OTHER INFORMATION: None 260 <400> SEQUENCE: 12 262 Pro Val Leu Asp Leu Phe Arg Glu Leu Leu Asn Glu Leu Leu Glu Ala 266 Gly Lys Gln Lys Leu Lys 267 20 270 <210> SEQ ID NO: 13 271 <211> LENGTH: 22 272 <212> TYPE: PRT 273 <213> ORGANISM: Artificial 275 <220> FEATURE: 276 <223> OTHER INFORMATION (None 278 <400> SEQUENCE: 13 280 Gly Val Leu Asp Leu Phe Arg Glu Leu Leu Asn Glu Gly Leu Glu Ala 281 1 5 284 Leu Lys Gln Lys Leu Lys 285 20 288 <210> SEQ ID NO: 14 289 <211> LENGTH: 22 290 <212> TYPE: PRT 291 <213> ORGANISM: Artificial 293 <220> FEATURE: 294 <223> OTHER INFORMATION \ None 297 <220> FEATURE: 298 <221> NAME/KEY: MISC\_FEATURE 299 <222> LOCATION: (18)..(18) 300 <223> OTHER INFORMATION: Xaa = Orn

RAW SEQUENCE LISTING

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DATE: 02/08/2006

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PATENT APPLICATION: US/10/801,897A
                                                                TIME: 12:38:59
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errors
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                                                          the Sequence Listing. Please check subsequent
                                                          secutions for similar errors.
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RAW SEQUENCE LISTING

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 02/08/2006
PATENT APPLICATION: US/10/801,897A TIME: 12:39:00

Input Set : E:\PC 20701C.txt

Output Set: N:\CRF4\02082006\J801897A.raw

#### Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:1; Xaa Pos. 16 4 Seg#:5; Xaa Pos. 1 Seq#:6; Xaa Pos. 13 U Seq#:10; Xaa Pos. 17/ Seq#:14; Xaa Pos. 1/8,20,226 Seq#:19; Xaa Pos. 1 Seq#:21; Xaa Pos. 1 Seq#:25; Xaa Pos. 13 Seq#:27; Xaa Pos. 14 Seq#:31; Xaa Pos. 13 Seq#:32; Xaa Pos. 1 Seq#:34; Xaa Pos. 5 Seg#:38; Xaa Pos. 13 Seq#:41; Xaa Pos. 13 Seq#:42; Xaa Pos. 13 Seq#:43; Xaa Pos. 13 Seq#:44; Xaa Pos. 13 Seq#:45; Xaa Pos. 13 Seq#:46; Xaa Pos. 13 Seq#:48; Xaa Pos. 1,2 Seq#:50; Xaa Pos. 13 Seq#:51; Xaa Pos. 13 Seq#:52; Xaa Pos. 13 Seq#:58; Xaa Pos. 13 Seq#:61; Xaa Pos. 13 Seq#:62; Xaa Pos. 13 Seq#:63; Xaa Pos. 13 Seq#:64; Xaa Pos. 13 Seq#:65; Xaa Pos. 12 Seq#:68; Xaa Pos. 13 Seq#:69; Xaa Pos. 13 Seq#:70; Xaa Pos. 13 Seq#:71; Xaa Pos. 14 Seq#:72; Xaa Pos. 13 Seq#:73; Xaa Pos. 13 Seq#:74; Xaa Pos. 13 Seq#:76; Xaa Pos. 13 Seq#:77; Xaa Pos. 13 Seq#:78; Xaa Pos. 13 Seq#:81; Xaa Pos. 13 Seq#:82; Xaa Pos. 11 Seq#:83; Xaa Pos. 13 Seq#:88; Xaa Pos. 13 Seq#:89; Xaa Pos. 13

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 02/08/2006
PATENT APPLICATION: US/10/801,897A TIME: 12:39:00

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Output Set: N:\CRF4\02082006\J801897A.raw

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#### Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete, per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

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# PATENT APPLICATION: US/10/801,897A DATE: 02/08/2006 TIME: 12:39:00

Input Set : E:\PC 20701C.txt

Output Set: N:\CRF4\02082006\J801897A.raw

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L:1373 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:64 after pos.:0
L:1397 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:65 after pos.:0
L:1457 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:68 after pos.:0
L:1481 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:69 after pos.:0
L:1505 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:70 after pos.:0
L:1529 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:71 after pos.:0
L:1547 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:72
L:1553 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:72 after pos.:0
L:1571 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:73
L:1577 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:73 after pos.:0
L:1595 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:74
L:1601 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:74 after pos.:0
L:1643 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:76 after pos.:0
L:1667 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:77 after pos.:0
L:1691 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:78 after pos.:0
L:1751 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:81 after pos.:0
L:1775 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:82 after pos.:0
```

# VERIFICATION SUMMARY PATENT APPLICATION: US/10/801,897A DATE: 02/08/2006 TIME: 12:39:00

Input Set : E:\PC 20701C.txt

Output Set: N:\CRF4\02082006\J801897A.raw

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L:1799 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:83 after pos.:0

L:1901 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:88 after pos.:0

L:1925 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:89 after pos.:0

L:1949 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:90 after pos.:0

L:1967 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:91

L:1978 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:91 after pos.:0

L:2002 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:92 after pos.:0

L:2026 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:93 after pos.:0

L:2068 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:95 after pos.:0

L:2097 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:96 after pos.:0

L:4950 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (233) SEQUENCE:

L:4965 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (235) SEQUENCE:

L:4965 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (235) SEQUENCE:
```